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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,131	02/03/2004	Curt Shaw	101303300-6	4275
7590 JAMES E. PARRIS P.O. BOX 233 HAILEY, ID 83333		06/18/2007	EXAMINER HU, KANG	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,131	Applicant(s) SHAW, CURT	
	Examiner Kang Hu	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/3/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouba et al. (US 6,616,453).

Re claim 1, the broadly claimed invention can be interpreted as an internet based training tool method, providing a) computer, data storage and internet, b) user group, user profile, name and password for shared files in data storage c) web based login d) create, use, edit, store, and access user manual e) printing and use in evaluation and training (Kouba, Figs 1-8; Abstract; col 2, lines 1-59; col 3, lines 15-25, lines 50-55; col 4, lines 7-12, 20-25, 35-45; col 5, lines 37-40, 65-67; col 6, lines 1-5, 27-32, 40-46, 62-67).

Kouba further teaches:

Re claim 2, method of claim 1, further comprising a participant company name, a job name, job id number, a created by a name, an updated by name, a date created, a date updated, a job steps list, a job issues list, a job requirement list, a safety compliance verification list taught by Kouba as plurality of work sites with different requirements for work safety that can be chosen by the applicant.

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a) evaluation and training form is stored in remote data storage system, further comprises a compliance acknowledgement statement, worker signature line, observer signature line and signature dates (fig 2)

b) Kouba doesn't explicitly teach of word processor document, able to add / insert photos to the course material, however it would be inherent such safety course training would have multimedia to help aid the student in learning the safety rules of the worksites.

Re claims 3-9: being able to log-out, webpage with user instructions (Figs 1 and 7; col 2), steps for selecting manage job safety analysis and job training and accountability curriculum option a) main menu, log-out, new job, job name, name list, job id number, log-in (claim 4) (figs 2-6); being able to create a job site, adding new sites, and displaying job training curriculum on job safety analysis and job training web page associated with the new job would be inherent as someone will have to enter these job names and instructions into the system for the students to be able to take the safety course and pass the test (claim 5). Creating a job identification name and job identification ID for each individual using the system (Figs 6 and 7) (claim 6). Displaying job safety training associated with each job comprising of job requirement list, job identification number, job step list (Fig 5) interpreted as list of courses that employee has taken and passed in order to work in the specified worksite. The ability to edit or add new job step and new job requirement would be inherent as if there's new curriculum for a specified site, the administrator would have to add such new job steps and new job requirements (claim 7-9).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouba et al. (US 6,616,453).

Claim 10-16, the method of selecting and adding new job options by having a library/database comprising of job names list, job steps, job issues, job requirements, library job step check/uncheck box, a checkbox to enable automatic selection for copying an activated library job steps and all said associated library issues, being able to copy selections and close library option to copy of job analysis and job training curriculum and close library option to close library web page and return to the main menu, being able to save job option to save the job analysis and safety training and accountability curriculum, being able to save job as another job name and cancel saved job as, having a quick view screen, being able to view/print and edit such job related safety curriculum would be obvious to the administrator who would be able to create, modify and delete job name, job steps, job issues and job requirements based on a graphical user interface as described by Kouba.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kershaw et al (US 5,565,316) teaches a system and method for computer based testing that is not web based, however the invention is extensive to teach of all the features. Allison (US 6,546,230) teaches of an online skills and assessment training for assessing

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professional's skills and competency. Pfenninger et al (US 6,996,367 B2) also teaches of an Internet based administration system for administering tests over the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
June 8, 2007


Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714